

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

vs.

CASE NO.: 3:99-CR-184-05(DRD)

RUBEN DARIO RODAS-GIRON,

* * * * *

MOTION REQUESTING MODIFICATION OF CONDITIONS

TO THE HONORABLE DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, JEFFREY SEMIDEY-ACOSTA, U.S. PROBATION OFFICER of
this Court, presenting an official report on the conduct and attitude of releasee, Rubén Darío Rodas-Girón, who on April 2, 2003, was sentenced to a thirty-three (33) month imprisonment term to be followed by a three (3) year supervised release term after he plead guilty of violating Title 18 U.S.C. Section 1956(h). As special conditions, he was ordered to submit to urinalysis and treatment if necessary. A special monetary assessment in the amount of \$100.00 was also imposed. On August 8, 2004, the offender was released to the Central District of California.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Mr. Rodas-Girón has complied with his supervised release conditions until recently when he violated the following condition:

1) STANDARD CONDITION No 1: THE DEFENDANT SHALL NOT LEAVE THE JUDICIAL DISTRICT WITHOUT THE PERMISSION OF THE COURT OR THE PROBATION OFFICER.

On December 13, 2005, a letter was received from United States Probation Officer Benjamin Ventura, Central District of California, informing that Mr. Rodas-Girón called him on December 2, 2005, stating that he was in the Republic of Guatemala. Reportedly, he left the district without permission because of a family emergency since his grandfather Juan Antonio Girón was gravely ill and not expected to live much longer. He was instructed to report to the probation office upon his return with documentation supporting his statements regarding his grandfather's health. On December 6, 2005, he reported to the probation office as instructed with the required documents. He stated that although, he was aware permission was required to travel, when he was unable to contact the Probation Officer, he decided to travel nonetheless as he was concerned his grandfather would pass away prior to obtaining permission. Mr. Rodas-Girón traveled to the Republic of Guatemala on November 27, 2005, and returned on December 4, 2005. Considering that the offender is in compliance with all other supervised release conditions, is employed on a full-time basis, permanent residence, and has been forthright with regard to the above violation, he signed Probation Form 49 - Waiver of Hearing to Modify Conditions of Supervised Release (see enclosure) to modify his supervised conditions in which he agrees to perform 200 hours of unpaid community service.

WHEREFORE, in lieu of the aforementioned, unless ruled otherwise, it is respectfully requested that the Court modify Mr. Rodas-Girón's conditions of supervised

release to require him to complete 200 hours of community service work as a sanction for his non-compliance.

In San Juan, Puerto Rico, this 21st day of December 2005

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Jeffrey Semidey
Jeffrey Semidey
U.S. Probation Officer
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CERTIFICATE OF SERVICE

I HEREBY CERTIFIED that on December 21st , 2005, I have mailed by the United States Postal Service the document to Assistant U.S. Attorney Steven Siegel, 1400 New York Ave. NW. Suite 11100, Washington, DC 20530 and to Lydia Lizarribar, Esq., 14 O'Neil Street, San Juan, PR 00918.

At San Juan, Puerto Rico, this 21st day of December 2005.

s/Jeffrey Semidey
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